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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/641,302	08/15/2003	In Tae Hwang	2101-3355	3551
35884	7590	04/01/2009		
LEE, HONG, DEGERMAN, KANG & WAIMEY			EXAMINER	
660 S. FIGUEROA STREET			DUONG, CHRISTINE T	
Suite 2300			ART UNIT	PAPER NUMBER
LOS ANGELES, CA 90017			2416	
NOTIFICATION DATE		DELIVERY MODE		
04/01/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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ip.lhlaw@gmail.com  
ip.lhlaw@live.com

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/641,302

**Examiner**

CHRISTINE DUONG

**Applicant(s)**

HWANG, IN TAE

**Art Unit**

2416

**–The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**

THE REPLY FILED 27 February 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a)  The period for reply expires \_\_\_\_ months from the mailing date of the final rejection.  
b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a)  They raise new issues that would require further consideration and/or search (see NOTE below);  
(b)  They raise the issue of new matter (see NOTE below);  
(c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_

Claim(s) objected to: \_\_\_\_\_

Claim(s) rejected: 23,27,40,43 and 46

Claim(s) withdrawn from consideration: \_\_\_\_\_

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fail to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet

12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13.  Other: \_\_\_\_\_

/Kevin C. Harper/  
Primary Examiner, Art Unit 2416

Continuation of 11. does NOT place the application in condition for allowance because:

Applicants have argued regarding claim 23 that "the communication Takiyasu's frame 30 is not a data frame having a header portion and a data portion, and transmitted is from a mobile station to a network" (page 7).

In response to Applicants' argument, the examiner respectfully disagrees. Takiyasu discloses a request field R3 and an information field R4, which together interpreted as Applicants' data frame having a header portion and a data portion. Takiyasu discloses "Each mobile station issues an access request by using the request field R3. The information field R4 is supplied with ... information from a source mobile station" (Takiyasu column 13 lines 36-39). Therefore, Takiyasu discloses a data frame having a header portion and a data portion and transmitted is from a mobile station to a network.

Applicants have argued regarding claim 23 that "the RI field does not indicate whether the RS field requests a time resource" (page 7).

In response to Applicants' argument, the examiner respectfully disagrees. Feinberg discloses a request-resource flag (ResourceReq). Therefore, a combination of Takiyasu and Feinberg discloses a field indicating that another field has a time resource request.

Applicants have argued regarding claim 23 that "the number of fragments identified by Takiyasu's NF 43c is for the time resource requested by the request in the data frame" (page 8).

In response to Applicants' argument, the examiner respectfully disagrees. Takiyasu discloses "During the period of the request field R3 of the communication frame, the source station 2a requests a fragment slot access right to transmit a message, and sets access request information to an optional request slot 37i (request transmission step 10). The request information contains the source address (AD) 43b and the number (NF) 43c of fragments necessary for the message transmission" (Takiyasu column 14 lines 43-49). Therefore, Takiyasu discloses the time resource request.

Applicants have argued regarding claim 23 that "Takiyasu fails to teach or suggest the relation with the first field (RI having SN field) and the second field (NF 43c), while the second field of the header portion of claim 23 identifies an amount of the time resource requested, when the first field has the first logic value" (page 8).

In response to Applicants' argument, the examiner respectfully disagrees. Feinberg discloses a request-resource flag (ResourceReq). Therefore, a combination of Takiyasu and Feinberg discloses the relation between the first and second fields.

Applicants have argued regarding claim 23 that "the ND and FN fields are not included in a single header portion having the RI and NF fields" (page 8).

In response to Applicants' argument, the examiner respectfully disagrees. R3 and R4 together is interpreted as Applicants' data frame. Therefore, ND or FN represent the third field.